

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

RICHARD OWENS, ) 1:12-cv-00154-SKO-PC  
Petitioner, )  
v. ) ORDER DIRECTING THE CLERK TO  
WARDEN DONNELLY, ) REDESIGNATE THIS ACTION AS A  
Respondent. ) PRISONER CIVIL RIGHTS CASE,  
) REMOVE THE "HC" FROM THE CASE  
) NUMBER, AND SUBSTITUTE "PC"  
)  
) ORDER DIRECTING THE CLERK TO SEND  
) NOTICE OF THE NEW CASE NUMBER  
)  
) ORDER DIRECTING THE PARTIES TO  
USE THE NEW PRISONER CIVIL RIGHTS  
CASE NUMBER  
  
ORDER DISMISSING PETITIONER'S  
MOTION TO SHOW CAUSE AS MOOT  
(DOC. 12)

Petitioner is a state prisoner proceeding pro se and in forma pauperis with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Pursuant to 28 U.S.C. § 636(c)(1), Petitioner has consented to the jurisdiction of the United States Magistrate Judge to conduct all further proceedings in the case, including the entry of final judgment, by manifesting consent in a signed writing filed by Petitioner on February 9, 2012 (doc. 5). Pending before the Court is Petitioner's statement of intention to proceed with a prisoner civil rights complaint pursuant to 42 U.S.C. § 1983, which was filed on May 15, 2012.

1 On February 2, 2012, Petitioner filed a document which was  
2 designated as a petition for writ of habeas corpus. After an  
3 initial screening order issued from the Court, Petitioner filed  
4 in this action a prisoner civil rights complaint on April 18,  
5 2012. The Court issued an order permitting the petitioner to  
6 choose to file either a prisoner civil rights complaint or a  
7 petition for writ of habeas corpus. In response to the Court's  
8 order, on May 15, 2012, Petitioner filed a statement of intention  
9 to proceed with a prisoner civil rights complaint pursuant to 28  
10 U.S.C. § 1983.

11 Accordingly, it is ORDERED that:

12 1) The Clerk of the Court is DIRECTED to:

13 a) Change the designation of the present case to  
14 reflect that of a prisoner civil rights action by removing the  
15 "HC" from the case number and substituting "PC"; and

16 b) Send a notice of the new case number to all parties  
17 in this action; and

18 2) The parties are DIRECTED to use the redesignated case  
19 number, to which the "HC" suffix has been substituted, in the  
20 pleadings and documents filed in this action; and

21 3) Petitioner's motion to show cause under Habeas Rule 4,  
22 which was filed on March 22, 2012, and which pertained to the  
23 initially filed petition for writ of habeas corpus, is DISMISSED  
24 as moot.

25 IT IS SO ORDERED.

26 **Dated: May 16, 2012**

**/s/ Sheila K. Oberto**  
**UNITED STATES MAGISTRATE JUDGE**